

### **REMARKS**

Claims 14, 26, 27 and 29-36 are pending and under consideration. In the Final Office Action of September 5, 2006 Claims 14, 26, 27 and 29-36 were rejected. By means of the present amendment, independent claim 14 has been amended to better point out and distinctly claim the subject matter of the invention. Accordingly, claims 14, 26, 27 and 29-36 remain at issue in the above-identified application.

### **35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 14, 26, 27, 29, 30, and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al. (WO 99/40634 with U.S. Patent No. 6,632,538 used as the English translation) in view of JP 01320769 (“’769”), Kinsman (U.S. Patent 4,069,578) and either one of Takeguchi et al. (U.S. Patent 5,116,440) or Hass et al. (U.S. Patent 5,972,140). Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of this rejection.

The rejection states, in relevant part:

JP 01320769 discloses a prior art process for sealing an electrolyte battery device within a container to form an electrolyte battery comprising accommodating the battery device within the container, performing a first/initial sealing step of the battery within the container to form an electrolyte battery, performing a step of charging and discharging the battery device, and then performing a second/final sealing step of the battery device within the container [...].

(See the Final Office Action of September 5, 2006, page 3, lines 11-17).

Applicants submit that the disclosure of the ‘769 is so different from the subject matter of the claims as presently amended as to constitute nonanalogous art with no bearing on the present invention. As set forth in the disclosure of the present application, the battery of the present invention is sandwiched in a film, the outer rim of the film is sealed, and the pressuring/heating

of the sealed battery follows (*See* the publication of the present application, US 2004/0146785, paragraphs [0081] - [0082]). Accordingly, there is no second/final sealing step, either before or after the charging and discharging of the battery.

Also, the method of '769 applies to button-type batteries which are characterized by being enclosed in a metal can, as set forth in the figures of the cited reference. This is structurally different from the laminated container of the present invention, and this difference is reflected in the respective methods for sealing the enclosure. Whereas the battery of '769 is sealed by crimping the exterior, positive can, the battery of the present claims is sealed by heat fusion. The method of '769 is thus inapplicable to the battery of the present invention, as such invention does not relate to a button-type battery that is twice sealed by crimping.

Regarding Kinsman, the rejection states in relevant part:

Kinsman discloses a well known apparatus for heat sealing a battery device wherein the apparatus is a press is a press including an outer heated pressing member for pressing the outer regions of the battery and an inner spring pressing member for pressing the inner regions of the battery [...]

(*See* the Final Office Action of September 5, 2006, page 4, lines 3-6).

The claims as presently amended are directed to methods comprising, inter alia, a heating step under a uniformly pressured state, wherein the pressure is applied by means of a block of heat-resistant rubber. By using the block of heat-resistant rubber, it is possible to provide for uniform and stable pressuring and heating of the battery device (*See* the publication of the present application, US Publ. Pat. Appl. No. 2004/0146785, paragraph [0061]).

The cited references neither disclose nor suggest pressuring the battery uniformly or the superior battery properties derived therefrom. In particular, the teachings of Kinsman cited by the Examiner are specifically directed to applying different pressures to different parts of the

battery. More precisely, a pressure of typically 18 pounds per square inch is applied to the central region of the battery (*See* Kinsman, column 5, lines 1-14), whereas the peripheral regions of the battery are in any event subjected to a pressure substantially less than that applied to the central region (*Id.*, Abstract; col. 5, lines 15-28). Accordingly, the cited reference actually teaches against the application of a uniform pressure to the battery, thus providing no basis for a finding of obviousness. The rejection is therefore improper and should be removed.

Claims 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al., JP 01320769, Kinsman and either one of Takeguchi et al. or Hass et al. as applied to claims 14, 26, 27, 29, 30 and 34-36 above, and further in view of Akashi (U.S. Patent 5,658,686). Applicants respectfully submit that, as the above rejection in view of Yamazaki et al., JP 01320769, Kinsman and either one of Takeguchi et al. or Hass et al. is improper, the present rejection is also improper and should be removed.

Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al., JP 01320769, Kinsman, and either one of Takeguchi et al. or Hass et al. as applied to claims 14, 26, 27, 29, 30 and 34-36 above, and further in view of JP 11140209. Applicants submit that, as the above rejection in view of Yamazaki et al., JP 01320769, Kinsman and either one of Takeguchi et al. or Hass et al. is improper, the present rejection is also improper and should be removed.

Claims 14, 26-32, 34, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hatta et al. (U.S. Patent No. 6,797,430) in view of JP 11140209. Applicants submit that the priority date of the present application, October 30<sup>1</sup>, 1998, predates the PCT publication date of Hatta et al., May 11, 2000. The cited reference does therefore not qualify as prior art to the

present application, and the rejection should be removed. In order to perfect priority, Applicants enclose a certified English language translation of the priority document of the present application, JP 10-311482.

Claims 33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatta et al. and JP 01320768 as applied to claims 14, 26-32, 34 and 36 above, and further in view of JP 11140209. Applicants submit that, as the above rejection over Hatta et al. and JP 01320768 is improper, the present rejection is also improper and should be removed.

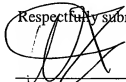
#### **Double Patenting Rejections**

Claims 14, 26, 27, and 29-36 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13 and 15-25 of copending Application No. 10/727,467, now allowed. In order to overcome the rejection, Applicants enclose a terminal disclaimer under 37 CFR 1.321(c).

#### **Conclusion**

In view of the foregoing, Applicants submit that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,



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